



House of Representatives

File No. 881

January Session, 2013

January Session, 2013

(Reprint of File Nos. 498 and 811)

Substitute House Bill No. 5480
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2013

AN ACT PROHIBITING TAMPERING WITH HYDRANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) No person shall open,
2 operate, take water from or tamper with any hydrant or otherwise take
3 water from or tamper with any public water supply reservoir without:
4 (1) The legal authority to take such action, or (2) the consent of the
5 water utility, municipality or other entity that owns or controls such
6 hydrant or public water supply reservoir. Any person who violates the
7 provisions of this section shall be fined five hundred dollars for the
8 first offense and one thousand dollars for any subsequent offense.

9 Sec. 2. Subsection (b) of section 51-164n of the general statutes is
10 repealed and the following is substituted in lieu thereof (*Effective from*
11 *passage*):

12 (b) Notwithstanding any provision of the general statutes, any
13 person who is alleged to have committed (1) a violation under the
14 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
15 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-

16 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
17 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
18 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
19 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
20 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
21 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
22 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
23 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
24 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
25 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
26 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
27 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
28 14-153 or 14-163b, a first violation as specified in subsection (f) of
29 section 14-164i, section 14-219 as specified in subsection (e) of said
30 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
31 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
32 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
33 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
34 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
35 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
36 subsection (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or
37 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
38 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-
39 734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or
40 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-
41 107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
42 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
43 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-
44 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39,
45 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,
46 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,
47 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
48 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section
49 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
50 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,

22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 1 of this act, section 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars,

86 unless such town, city or borough has established a payment and
87 hearing procedure for such violation pursuant to section 7-152c, shall
88 follow the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>from passage</i>	51-164n(b)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill prohibits opening, operating, taking water from, or tampering with a hydrant or public water supply under certain conditions. While it establishes a tiered system for fines, it is not anticipated that there would be a revenue gain under the bill.

House "A" removes the requirement that the Department of Energy and Environmental Protection (DEEP) conduct an assessment of certain practices employed at the University of Connecticut (UConn) Plant Science Research and Education Facility, including an investigation into the quality of groundwater flow in bedrock. House "A" also alters the underlying bill by removing the transfer of up to \$100,000 from UConn to DEEP for this purpose.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5480 (as amended by House "A")******AN ACT REQUIRING AN ASSESSMENT OF THE USE OF CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT PLANT SCIENCE RESEARCH AND EDUCATION FACILITY AND PROHIBITING TAMPERING WITH HYDRANTS.*****SUMMARY:**

This bill prohibits opening, operating, taking water from, or tampering with a hydrant, or taking water from or tampering with a public water supply reservoir without (1) legal authority to do so or (2) consent from the water utility, municipality, or other entity that owns or controls the hydrant or reservoir.

Violators are subject to a \$500 fine for a first offense and a \$1,000 fine for subsequent offenses. The bill subjects violators to the mail-in procedures for infractions and certain violations, allowing them to pay the fine without having to appear in court.

*House Amendment "A" (1) removes the provisions requiring an assessment of pesticide use at the University of Connecticut's (UConn) Plant Science Research and Education Facility and transferring funds from UConn to the Department of Energy and Environmental Protection (DEEP) to investigate groundwater flow quality and (2) makes the ban on certain hydrant and reservoir use effective October 1, 2013.

EFFECTIVE DATE: October 1, 2013, except the mail-in procedure provision takes effect upon passage.

BACKGROUND***Related Laws***

By law, theft of utility service (e.g., electric, gas, water, or telecommunications) is considered larceny. This includes tampering or connecting to equipment used by a water supplier, without the supplier's consent, to avoid paying. The punishment depends on the value of the property or service taken, ranging from a class C misdemeanor when the value is \$500 or less to a class B felony when the value is more than \$20,000 (CGS § 53a-119).

The law also prohibits causing or allowing any pollutant or harmful substance to enter a public water supply reservoir or its tributaries and subjects violators to a fine of up to \$500. A person who causes or allows a pollutant or harmful substance to enter a reservoir, lake, pond, or a stream tributary to these waters, after being notified that the water source supplies residents with water, is subject to the same fine, imprisonment for up to 30 days, or both. The law allows a water company to bring a civil action in Superior Court to recover damages, expenses, and costs from responding to these violations and remediating and abating any contamination (CGS § 25-43).

Legislative History

The House referred the bill (File 498) to the Appropriations Committee, which reported out a substitute (File 811) adding a provision transferring up to \$100,000 of certain appropriated funds in the 2013 biennial budget bill from UConn to DEEP to investigate bedrock groundwater flow quality.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 7 (03/25/2013)

Appropriations Committee

Joint Favorable Substitute

Yea 40 Nay 10 (04/30/2013)